

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BIOVAIL LABORATORIES INTERNATIONAL SRL)	
a corporation of Barbados,)	
)	
Plaintiff,)	C.A. Nos. 05-586 (GMS)
)	05-730 (GMS)
v.)	06-620 (GMS)
)	(CONSOLIDATED)
ANDRX PHARMACEUTICALS, LLC and)	
ANDRX CORPORATION,)	
)	
Defendants.)	

**DECLARATION OF PRESTON K. RATLIFF II IN SUPPORT OF
BIOVAIL'S ANSWERING BRIEF IN OPPOSITION TO ANDRX'S
MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT
OF THE '791 PATENT AND OPENING BRIEF IN SUPPORT OF ITS
CROSS-MOTION FOR SUMMARY JUDGMENT OF NO COLLATERAL ESTOPPEL**

I, Preston K. Ratliff II, declare under penalty of perjury that:

1. I am associated with the law firm of Paul, Hastings, Janofsky & Walker LLP, counsel for Plaintiff, Biovail Laboratories International SRL ("Biovail"). I make this declaration in support of BIOVAIL'S ANSWERING BRIEF IN OPPOSITION TO ANDRX'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF THE '791 PATENT AND OPENING BRIEF IN SUPPORT OF ITS CROSS-MOTION FOR SUMMARY JUDGMENT OF NO COLLATERAL ESTOPPEL.
2. Attached as Exhibit 1 hereto is a true and correct copy of U.S. Patent No. 5,529,791.
3. Attached as Exhibit 2 hereto is a true and correct copy of selected pages from the transcript of the May 4, 2006 deposition of Janet A. Vaughn.

4. Attached as Exhibit 3 hereto is a true and correct copy of a February 17, 2006 letter from Anthony H. Son, Andrx's counsel, to Preston K. Ratliff II.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 1/19/07


Preston K. Ratliff II

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on January 19, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Richard L. Horwitz
POTTER ANDERSON & CORROON LLP

and that I caused copies to be served upon the following in the manner indicated:

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